

U.S. Court of Federal Claims 2011 Judicial Conference Speakers' Biographies

Chief Judge Emily C. Hewitt

U.S. Court of Federal Claims



Emily C. Hewitt was commissioned as a Judge of the United States Court of Federal Claims by President William J. Clinton on October 22, 1998. President Barack Obama designated her to serve as Chief Judge on March 11, 2009. In 2006, she was appointed by the Chief Justice of the United States to serve on the Financial Disclosure Committee of the Judicial Conference of the United States. Prior to joining the court, Chief Judge Hewitt served as General Counsel of the United States General Services Administration (GSA) from 1993 to 1998. As GSA's General Counsel, she oversaw the legal activities and responsibilities of the agency, served as GSA's chief ethics official, as chief legal advisor to the Administrator and other GSA officials, and as a member of GSA's management committee. While at GSA, Chief Judge Hewitt served as a government member of the Administrative Conference of the United States and as a member of the President's Interagency Council on Women. Before entering government service in 1993, Chief Judge Hewitt practiced from 1978 to 1993 with the Boston law firm Hill & Barlow. She was elected a partner in 1985, and served as chair of Hill & Barlow's real estate department from 1987 to 1993. Chief Judge Hewitt graduated from Harvard Law School, with honors, in 1978, after receiving the M. Phil. degree in studies focusing on religion and education from the Union Theological Seminary in New York City and receiving her A.B. from Cornell University.

Chief Judge Randall R. Rader

U.S. Court of Appeals for the Federal Circuit



Randall R. Rader was appointed to the United States Court of Appeals for the Federal Circuit by President George H. W. Bush in 1990 and assumed the duties of Chief Judge on June 1, 2010. He was appointed to the United States Claims Court (now the U. S. Court of Federal Claims) by President Ronald W. Reagan in 1988. Chief Judge Rader's most prized title may well be "Professor Rader," however. As Professor, Chief Judge Rader has taught courses on patent law and other advanced intellectual property courses at The George Washington University Law School, University of Virginia School of Law, Georgetown University Law Center, the Munich Intellectual Property Law Center, and other university programs in Tokyo, Taipei, New Delhi, and Beijing. Due to the size and diversity of his classes, Chief Judge Rader may have taught patent law to more students than anyone else. Chief Judge Rader has also co-authored several texts including the most widely used textbook on U.S. patent law, "Cases and Materials on Patent Law" (St. Paul, Minn.: Thomson/West 3d ed. 2009), and "Patent Law in a Nutshell" (St. Paul, Minn.: Thomson/West 2007) (translated into

Chinese and Japanese). Before appointment to the Court of Federal Claims, Chief Judge Rader served as Minority and Majority Chief Counsel to Subcommittees of the U.S. Senate Committee on the Judiciary. From 1975 to 1980, he served as Counsel in the House of Representatives for representatives serving on the Interior, Appropriations, and Ways and Means Committees. He received his B.A. in English from Brigham Young University and a J.D. from George Washington University Law School in 1978.

Tony West, Assistant Attorney General

United States Department of Justice, Civil Division



Tony West was nominated by President Barack Obama to be the Assistant Attorney General for the Justice Department's Civil Division on January 22, 2009, and he was confirmed by the U.S. Senate on April 20, 2009. Mr. West heads the largest litigating division in the Department of Justice; the Civil Division represents the United States in legal challenges to Congressional statutes, Administration policies, and federal agency actions. These include defending the recently-passed health care reform legislation against Constitutional challenges; litigating national security cases, such as habeas corpus petitions brought by detainees at Guantanamo Bay; and providing support and guidance to agencies

responding to the recent oil spill in the Gulf of Mexico. The Civil Division also defends the President, Cabinet officers, and other federal employees in lawsuits filed against them throughout the country. Mr. West has focused on these traditional areas, as well as bolstering the Civil Division's affirmative civil enforcement efforts, such as health care fraud, mortgage fraud and other civil actions to recover taxpayer money lost to fraud and abuse. Since January 2009, the Civil Division has recovered over \$7 billion through affirmative civil enforcement under the False Claims Act. Mr. West first served in the Department of Justice barely a year after graduating from law school. From 1993 through 1994, he served as a Special Assistant to the Deputy Attorney General, during which time he worked on the development of national crime policy, including the 1994 Omnibus Crime Bill. From 1994 to 1999, Mr. West served as an Assistant United States Attorney in the Northern District of California, where he prosecuted child sexual exploitation, fraud, narcotics distribution, interstate theft and high tech crime. From 1999 to 2001, Mr. West served as a state Special Assistant Attorney General in California, advising the California Attorney General on matters including identity theft, high-tech crime, the Microsoft antitrust litigation, civil rights, and police officer training. Prior to returning to the Justice Department, Mr. West was a litigation partner at Morrison & Foerster, LLP in San Francisco. Mr. West graduated with honors from Harvard College, where he served as publisher of the Harvard Political Review, and received his law degree from Stanford Law School, where he was elected President of the Stanford Law Review.

Judge Francis M. Allegra

Judge Francis M. Allegra was appointed to the United States Court of Federal Claims on October 22, 1998. He formerly was a Deputy Associate Attorney General at the United States Department Justice from 1994 through 1998, where he worked with the Antitrust and Tax Divisions, as well as with the National Economic and Domestic Policy Councils at

the White House. In his fourteen-year career at the Department of Justice, he also served in various positions in the Tax Division. Judge Allegra was a member of the Information Technology Committee of the United States Judicial Conference for seven years. He is also a lecturer at the Federal Judicial Center, particularly on topics involving electronic discovery and the use of technology in judging. Judge Allegra is an adjunct professor of law at the Georgetown University Law Center.

J. David Breemer



Mr. Breemer joined the Pacific Legal Foundation in 2001 and serves as a Principal Attorney in PLF's Property Rights Practice Group. He is heavily involved in litigation in state and federal courts on the right of property owners to obtain compensation when their property is excessively regulated for a public good. Specific focuses include securing federal court jurisdiction over federal property rights claims, defending private property rights in coastal areas, and water rights. Mr. Breemer has published numerous law review articles related to property rights and federal takings law, including most recently "Ripeness Madness: The Expansion of Williamson County's Baseless 'State Procedures'

Takings Ripeness Requirement to Non-Takings Claims," 41 Urban Law. 615 (Fall, 2009); "You Can Check Out But You Can Never Leave: The Story of the San Remo Hotel— The Supreme Court Relegates Federal Takings Claims to State Courts Under a Rule Designed to Ripen the Claims for Federal Review," 33 B.C. Envtl. Aff. L. Rev. 247 (2006); and "What Property Rights?: The California Coastal Commission's History of Abusing Coastal Land Rights and Some Thoughts on the Underlying Causes," 22 UCLA J. Envtl. L. & Pol. 247 (2004). He earned his B.A. from the University of California, Santa Barbara, his M.A. from the University of California, Davis, and his J.D. from the University of Hawaii (summa cum laude).

Judge Eric G. Bruggink

Judge Eric G. Bruggink was appointed Judge of the United States Court of Federal Claims on April 15, 1986, and entered duty on April 21, 1986. He is a cum laude graduate of Auburn University, receiving his B.A. degree in sociology in 1971 and an M.A. degree in speech in 1972. Judge Bruggink received his J.D. in 1975 from the University of Alabama School of Law, where he was a Hugo Black Scholar and Note and Comments Editor of the Alabama Law Review. In 1982, Judge Bruggink was appointed Director, Office of Appeals Counsel of the U.S. Merit Systems Protection Board, and he served in that position until his appointment as Judge of the Court of Federal Claims. He formerly served as a law clerk to Chief Judge Frank H. McFadden of the Northern District of Alabama, and as an associate with the law firms of Steiner, Crum & Baker in Montgomery, Alabama, 1979-1982, and Hardwick, Hause & Segrest in Dothan, Alabama, 1976-1977. He was Assistant Director of the Alabama Law Institute from 1977 to 1979, during which time he established the Office of Energy and Environmental Law and served as its first director.

Chief Special Master Patricia Campbell-Smith

Special Master Patricia Campbell-Smith received a degree in electrical engineering from Duke University, graduating with honors. She received her law degree from Tulane University, again graduating with honors. Prior to her appointment as a Special Master in 2005, she clerked extensively as a federal judicial law clerk and worked in private practice in the areas of environmental regulatory law, patent infringement litigation, and toxic tort litigation.

Ellen Wright Clayton



Ellen Wright Clayton, M.D., J.D., is an internationally respected leader in the field of law and genetics who holds appointments in both the law and medical schools at Vanderbilt, where she directs the Center for Biomedical Ethics and Society. She has published two books and more than 100 scholarly articles and chapters in medical journals, interdisciplinary journals and law journals on the intersection of law, medicine, and public health. She has collaborated with faculty and students throughout Vanderbilt and in many institutions around the country and the world on interdisciplinary research projects and helped to develop policy statements for numerous national and international organizations. An active participant in policy debates, she has advised the National Institutes of Health as well as other federal and international bodies on an array of topics ranging from children's health to the ethical conduct of research involving human subjects. Professor Clayton has worked on a number of projects for the Institute of Medicine—she is a member of its National Advisory Council—and she chaired the recent IOM Committee to Review Adverse Effects of Vaccines.

Judge Edward J. Damich

Edward J. Damich was appointed a judge of the United States Court of Federal Claims on October 22, 1998. He served as Chief Judge from 2002-2009. From 1995-98, Judge Damich served as Chief Intellectual Property Counsel for the Senate Judiciary Committee. During his tenure on the Committee, he assisted the Chairman, Senator Orrin Hatch, with the passage of the Digital Millennium Copyright Act (DMCA), the most significant change in copyright law since the Copyright Act of 1976. The DMCA updated U.S. law for the digital age and for the Internet. In addition, he worked on the Omnibus Patent Act, the basis for the 1999 American Inventors Protection Act. He was also a member of the U.S. delegation at the World Intellectual Property Organization (WIPO) diplomatic conference, which concluded the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. Prior to his work in the Senate, from 1992-93, Judge Damich served as a Commissioner of the Copyright Royalty Tribunal (CRT). In formal adjudicatory proceedings, the CRT set rates and distributed royalties under the statutory license provisions of the Copyright Act regarding cable television, non-commercial broadcasting, satellite television, sound recordings, and digital audio recording technology. At present Judge Damich is a Distinguished Visiting Professor of Intellectual Property at the Columbus School of Law of Catholic University and an adjunct professor of law at George Washington University. He has been an adjunct professor of law at the Georgetown University Law Center and a professor of law at George Mason University and at Delaware Law School of Widener University. Judge Damich has an A.B. degree from St. Stephen's College, Dover,

Massachusetts; a J.D. degree from Catholic University; and L.L.M. and J.S.D. degrees from Columbia University.

Jeanne E. Davidson

Jeanne E. Davidson is the Director of the National Courts Section at the U.S. Department of Justice. She has been an attorney in the National Courts Section for most of the last 24 years; after joining the Section in 1987 as a trial attorney and litigating for three years, she assumed the first of many management positions, culminating with her being named the Director in 2007. As Director, Ms. Davidson supervises approximately 200 attorneys and support staff responsible for representing the United States in the Court of Appeals for the Federal Circuit, the U.S. Court of Federal Claims, the Court of International Trade, and other fora. She personally represents the United States in significant matters raising constitutional or other issues of particular importance, and provides legal advice and litigation risk counseling to numerous Executive Branch offices. Among other honors, she currently serves on the Department of Justice Intellectual Property Task Force and the Civil Division's Administrative Procedures Act Working Group, and she is a member of the Advisory Councils to both the U.S. Court of Federal Claims and the U.S. Court of Appeals for the Federal Circuit. Ms. Davidson was also Associate General Counsel and Chair of the Section 301 Committee in the Office of the U.S. Trade Representative from 1992-1993, and an associate at DC's Steptoe & Johnson from 1981-1986. Ms. Davidson received her J.D. from the New York University School of Law in 1980, and her B.A. from the University of California at Berkeley in 1976.

John Echeverria



John Echeverria is a Professor of Law at Vermont Law School. Previously, he served for twelve years as Executive Director of the Georgetown Environmental Law & Policy Institute at Georgetown University Law Center. Prior to that, he was General Counsel of the National Audubon Society and General Counsel and Conservation Director of American Rivers, Inc. Immediately after graduating with joint degrees from Yale Law School and the Yale School of Forestry and Environmental Studies, Professor Echeverria served as law clerk to the Honorable Gerhard Gesell of the U.S. District Court in the District of Columbia. Professor Echeverria has written extensively on takings issues and other aspects of environmental and natural resource law. He served as co counsel for the Governor and Attorney General of Hawaii before the Supreme Court in the landmark case of *Lingle v. Chevron USA, Inc.* He has served as counsel for various amici curiae in numerous takings in the U.S. Court of Federal Claims and the U.S. Court of Appeals for the Federal Circuit.

Geoffrey Evans

Dr. Geoffrey Evans is Director of the Division of Vaccine Injury Compensation within the Health Resources and Services Administration (HRSA), HHS. He received his M.D. from George Washington University and pediatric internship and residency training at Phoenix Children's Hospital. Following private and managed care pediatric practice, Dr. Evans began working for the National Vaccine Injury Compensation Program, first as Chief

Medical Officer, then Medical Director. He serves as an ex-officio member on CDC's Advisory Committee on Immunization Practices, and HHS' National Vaccine Advisory Committee, and is a past member of the Institute of Medicine Vaccine Safety Forum, and the American Academy of Pediatrics Committee on Medical Liability. He has authored articles on vaccine liability and safety, vaccine risk communication, and vaccine injury compensation programs outside the US.

Brad Fagg



Brad Fagg is a partner in the firm of Morgan Lewis in Washington, DC. He is a partner in the firm's Litigation Practice and a member of the Washington, DC Office Management Committee. Mr. Fagg has extensive civil trial and appellate experience, including all phases of pre-trial discovery, motions practice and briefing, hearings and trials, and briefing and arguing appeals. Prior to joining Morgan Lewis, Mr. Fagg spent a number of years as a trial attorney in the Civil Division of the U.S. Department of Justice, where he handled civil fraud matters, procurement disputes, takings claims and employment appeals. His trial work included construction and other commercial government contract disputes, multimillion dollar government contract claims, and civil fraud investigations. At the appellate level, Mr. Fagg briefed and argued a number of matters before the U.S. Court of Appeals for the Federal Circuit and other courts of appeal. In addition to other honors, Mr. Fagg served as the President of the U.S. Court of Federal Claims Bar Association in 2008, and he is a member of the Court of Federal Claims Advisory Council.

John Fargo

John Fargo is a 1972 graduate of the State University of New York at Buffalo, where he received a B.S. in Industrial Engineering cum laude. He received his J.D. from the State University of New York at Buffalo, graduating magna cum laude in 1976. He joined the Department of Justice as a trial attorney with the Civil Division through the prestigious Attorney General's Honors Program, and in 1984, he was appointed to be an Assistant Director of the Intellectual Property (IP) Staff in the Commercial Litigation Branch. The IP Staff is responsible for litigating all civil patent, copyright, and trademark cases involving the government, as well as providing advice on IP matters throughout the Executive Branch. Since January 2004, Mr. Fargo has served as the Director of the Intellectual Property Staff, where he has been responsible for the management of its current staff of attorneys and support personnel. In his career at the Department of Justice, Mr. Fargo has handled a number of notable patent and copyright cases, including *Leesona Corp. v. United States*, 599 F.2d 958 (Ct. Cl. 1979) (nature of recovery under 28 U.S.C. § 1498); *Decca, Ltd. v. United States*, 640 F.2d 1156 (Ct. Cl. 1981) (same); *UMC Electronics v. United States*, 816 F.2d 647 (Fed. Cir. 1987) (on-sale bar); and *United States v. Teletronics, Inc.*, 857 F.2d 778 (Fed. Cir. 1988) (first suit for infringement of a government-owned patent). In addition, he has participated in the drafting of several merits briefs that the Solicitor General has filed as amicus curiae in intellectual property cases before the Supreme Court, including *KSR*, *Festo*, *Dastar* and the *Grokster* case. Mr. Fargo also participated in the formulation of the government's position in its amicus brief before the Federal Circuit, en banc, in *Phillips v.*

AWH Corp. He also appeared in the *NTP, Inc. v. Research in Motion, Ltd. (BlackBerry™)* case to represent the government's interest with respect to injunctive relief.

Cecilia Fex



Cecilia Fex has more than a decade of experience defending the property rights of individuals, associations, and businesses nationwide. With her practice dedicated to protecting private property interests, she is considered to be a leading expert on the National Trails Act, the Tucker Act, and right-of-way law, as well as in the complex body of law concerning federal railway grants. Representing thousands of landowners nationwide, she has advocated for the rights of clients before numerous Federal District Courts and Courts of Appeal, the United States Court of Federal Claims, and the Court of Appeals for the Federal Circuit. She has secured just compensation and payment of money damages in takings cases against the federal government on behalf of clients. Additionally, if recreational trail use is being pursued outside of the parameters of the Trails Act, Cecilia Fex assists property owners in resisting the unlawful takings and trespassing on their private property.

Judge Nancy B. Firestone

Judge Nancy B. Firestone was appointed Judge of the United States Court of Federal Claims on October 22, 1998. She graduated from Washington University with a B.A. in 1973, and she received her J.D. in 1977 from the University of Missouri - Kansas City Law School. Judge Firestone formerly was Deputy Assistant Attorney General in the Environment and Natural Resources Division of the U.S. Justice Department from 1995 - 1998. She also served as a Judge on the Environmental Protection Agency's Environmental Appeals Board from 1992-1995. Prior to that, Judge Firestone was the Associate Deputy Administrator of the Environmental Protection Agency from 1989-1992. Before serving at the Environmental Protection Agency, Judge Firestone was an attorney with the U.S. Department of Justice. Judge Firestone is also an adjunct professor at the Georgetown University Law Center.

James D. Gette

James D. Gette is a Senior Trial Attorney in the Environment and Natural Resources Division (ENRD) of the United States Department of Justice. Mr. Gette's practice focuses on the defense of inverse takings claims under the Fifth Amendment, challenges to federal government action under the National Environmental Policy Act, and Indian trust fund litigation. Before joining ENRD, he was part of the Civil Division's tobacco industry stemming from a decades-long scheme by the industry to deny the adverse health effects of smoking, to design its products intentionally to be addictive, and to attract youth smokers. Mr. Gette is a graduate of the Law School of the University of Chicago. He began his legal career in private practice with the firm that is today DLK Piper. Before joining the Department of Justice, he spent several years as an attorney and federal negotiator at the United States Department of Education, and also worked as the Director of the Office of the President at Skidmore College in Saratoga Springs, New York.

Andy Goldfrank

Andy Goldfrank currently serves as Chief of the U.S. Department of Justice's Land Acquisition Section ("LAS") in Washington, D.C.; this section exercises the federal government's authority to acquire real property via eminent domain and promulgates standards for title examination and appraisal applicable to all federal land acquisitions. Andy is a graduate of New York University, B.A. Urban Design; University of Pennsylvania, M.S. Historic Preservation; and Fordham University School of Law, J.D. Upon graduating from law school, he served as an associate at Roberts, Sheridan & Kotel in New York handling complex civil litigation. Andy then clerked for the Honorable Marian Blank Horn on the U.S. Court of Federal Claims in Washington, D.C., before he joined LAS as a trial attorney in 1999. Andy has been involved in the initiation of thousands of direct condemnation cases and personally litigated dozens of eminent domain cases on projects such as the 107,000-acre expansion of Everglades National Park, the extension of WMATA's Blue Line, the protection of the Appalachian Trail, and most recently the construction of the Border Fence across the Southwest. These projects have had hundreds of millions of dollars at stake which culminated in his obtaining many favorable settlements, almost a dozen trials, and precedential eminent domain opinions from the courts.

Stephen M. Goldman



Stephen M. Goldman is Distinguished Lecturer in Law and Director of the Part-Time Faculty at the Columbus School of Law at the Catholic University of America, and Adjunct Professor of Business Ethics at the George Washington University School of Business. At Catholic University, Mr. Goldman teaches a variety of courses, including Civil Procedure, Professional Responsibility, and Corporations. He is co-author of "Restoring Faith in Corporate Directors: The Disney Standard and the New Good Faith," published in the *American University Law Review* in 2006, and "The Anti-False Testimony Principle and the Fundamentals of the Ethical Preparation of Deposition Witnesses," which appeared in the *Catholic University Law Review* in 2009. At George Washington, he teaches Business Ethics. His book "Temptations in the Office: Ethical Choices and Legal Obligations" appeared in 2008. For many years he was a full-time practicing litigator, and still acts as Counsel for Sands Anderson P.C. in McLean, Virginia. Mr. Goldman is a graduate of Duke University, the University of Michigan Law School, and the University of Oxford, from which he obtained his doctorate in Political Theory with an emphasis in Ethics. He was law clerk to Judge John Paul Stevens at the United States Court of Appeals in Chicago before Justice Stevens was appointed to the Supreme Court.

Richard M. Gray

Richard M. Gray is an Associate General Counsel in the Office of the Deputy General Counsel for Acquisition & Logistics, Department of Defense. His primary duties include advising the Assistant Secretary of Defense for Networks and Information Integration/ DoD Chief Information Officer, and the Under Secretary of Defense for Acquisition, Technology, and Logistics, on cyberspace and information law, intellectual property, information and technology acquisitions, and technology transfer. He chairs the Defense Acquisition

Regulations Council's Patents, Data, and Copyright Committee, and serves as a subject matter specialist for the Federal Acquisition Regulations Law Team. He earned his three degrees from the University of Iowa: his B.A. in Psychology 1989, his J.D. with distinction in 1993, and his B.S.E. in Electrical Engineering in 1994.

Hank Greely



Professor Greely is the Deane F. and Kate Edelman Johnson Professor of Law at Stanford Law School. He is also the Director of the Center for Law and the Biosciences; Professor (by courtesy) of Genetics, Stanford School of Medicine; Chair, Steering Committee of the Center for Biomedical Ethics; and Director, Stanford Interdisciplinary Group on Neuroscience and Society. Professor Greely is a leading expert on the legal, ethical, and social issues surrounding health law and the biosciences. He specializes in the implications of new biomedical technologies, especially those related to neuroscience, genetics, and stem cell research. He frequently serves as an advisor on California, national, and international policy issues. Before joining the Stanford Law School faculty in 1985, Greely was a partner at Tuttle & Taylor, served as a staff assistant to the secretary of the U.S. Department of Energy, and as special assistant to the general counsel of the U.S. Department of Defense. He served as a law clerk to Justice Potter Stewart of the U.S. Supreme Court and to Judge John Minor Wisdom of the Court of Appeals for the Fifth Circuit.

William J. Grimaldi



William Grimaldi is a Trial Attorney with the National Courts Section of the Commercial Litigation Branch, United States Department of Justice. As a member the section's Bid Protest Team, Mr. Grimaldi handles procurement protests. Additionally, he represents the government in a variety of claims before the United States Court of Federal Claims and the United States Court of Appeals for the Federal Circuit. Mr. Grimaldi joined the Department of Justice in 2009 after serving as a law clerk to the Honorable Thomas C. Wheeler of the Court of Federal Claims. He began his legal career with the government contracts group of Wiley Rein LLP. Mr. Grimaldi holds a J.D. from The George Washington University Law School, and a B.A. in political science from the University of Pennsylvania.

Judge Marian Blank Horn

Marian Blank Horn was appointed by the President and confirmed by the United States Senate as a Judge of the United States Court of Federal Claims in 1986 and again in 2003. She is a graduate of Barnard College, Columbia University, and received a J.D. degree from the Fordham University School of Law. Before being appointed to the U. S. Court of Federal Claims, Judge Horn served as Acting Solicitor and Principal Deputy Solicitor at the United States Department of the Interior, and as Associate Solicitor for General Law and Deputy Associate Solicitor for Surface Mining, also at the United States Department of the Interior.

She formerly served as Deputy Assistant General Counsel for Procurement and Financial Incentives, Senior Attorney for the Strategic Petroleum Reserve and Litigation Attorney at the Department of Energy. Judge Horn is an adjunct professor at the George Washington University Law School, teaching Negotiations and Alternative Dispute Resolution in the LL.M. program and Trial Advocacy in the J.D. program. She also has taught as an adjunct professor of law at the Washington College of Law, American University and served as project manager for the United States Department of Justice "Study of Alternatives to Conventional Criminal Adjudication" at the College of Law. Her previous experience includes private law practice and service as a prosecutor and Deputy Chief of the Appeals Bureau in the District Attorney's Office, Bronx County, New York.

S. Claiborne Johnston



S. Claiborne Johnston, M.D., Ph.D., is Associate Vice Chancellor of Research, Director of the Clinical and Translational Science Institute, Professor of Neurology and Epidemiology, and Director of the Stroke Service at the University of California, San Francisco. He received his undergraduate education at Amherst College and completed medical school at Harvard University. He received a Ph.D. in epidemiology from the University of California, Berkeley. He completed his residency in Neurology at UCSF, where he later trained in Vascular Neurology. Dr. Johnston has won several national awards for his research and teaching. He has led several large cohort studies of cerebrovascular disease and three multi-center randomized trials.

Dr. Johnston studies stroke treatment and prevention using the tools of computer science, epidemiology, and economics. Dr. Johnston is the Executive Vice Editor of the *Annals of Neurology*, co-editor of the *Journal Watch Neurology* and has served on the editorial boards of several other journals. He has been honored with the American Academy of Neurology's Pessin Prize for Stroke Leadership and the American Stroke Association's Siekert New Investigator Award. He is also the 2008 recipient of the William Feinberg Award for Excellence in Clinical Stroke through the American Heart Association. He served as a member of the IOM Committee to Review Adverse Effects of Vaccines.

Allan J. Joseph



Allan Joseph is a Shareholder in the firm Rogers Joseph O'Donnell in San Francisco, CA. He is Co-chair of the firm's Government Contracts Practice Group. Mr. Joseph has represented companies in a full range of government and commercial contract disputes since 1965. Mr. Joseph's practice encompasses all aspects of government contracts litigation and advice, including disputes with the government, disputes between prime and subcontractors, construction claims, environmental claims, cost allowability and allowability issues, terminations, defective pricing, bid protests, debarment, rights in technical data and computer software, and grants and cooperative agreements. He

has defended many False Claims Act cases in federal and state court, particularly qui tam actions brought by whistleblowers. Mr. Joseph has conducted many internal corporate investigations into allegations of non-compliance and fraud in connection with government

contracts. Mr. Joseph has spoken throughout the country and published articles on a wide variety of government and commercial contract subjects. In 1975 he founded the Federal Publications course on Terminations, and he speaks each year at the Year-In-Review course on Terminations for Convenience. He is on the Advisory Board of BNA's Federal Contract Reporter. He is the Editor of the 2010 ABA Public Contract Section Manual on "Best Practices in the Acquisition of a Government Contractor." Mr. Joseph has been in leadership positions in the American Bar Association for more than 35 years; he is a Life-Fellow of the American Bar Foundation. In August 2009, Mr. Joseph completed a three-year term as one of two Ninth Circuit representatives on the American Bar Association Standing Committee on the Federal Judiciary, responsible for evaluating all Article III federal judicial nominees on behalf of the ABA.

Tara J. Kilfoyle



Tara Kilfoyle is a Senior Trial Attorney with the Department of Housing and Urban Development (HUD), and serves as HUD's Team Leader and subject matter expert in bid protest litigation and Contract Disputes Act claims. Prior to joining HUD, from 2006-2010, Tara was a Trial Attorney with the Commercial Litigation Branch of the Civil Division of the Department of Justice. From 2005-2006, she served as a law clerk to the Honorable George W. Miller of the United States Court of Federal Claims. From 2003-2005, Tara was a litigation associate with Rogers & Hardin, LLP in Atlanta, Georgia. She graduated Order of the Coif from Vanderbilt University Law School in

2003, and received her undergraduate degree with honors from Cornell University in 1998. Tara lives in Alexandria, Virginia, with her husband, Stephen Burks, and their son, Thomas.

Elizabeth Kronk



Professor Elizabeth Kronk is an Assistant Professor of Law at The University of Montana School of Law. Professor Kronk teaches many courses in Civil Procedure, Environmental Law, and Indian Law. Professor Kronk has taught federal Indian policy and a seminar addressing contemporary issues in Indian Country, and she taught Marine Environmental Law at Xiamen University in Xiamen, China. In addition to teaching, Professor Kronk currently serves as Chief Judge for the Sault Ste. Marie Tribe of Chippewa Indians appellate court in Michigan. Before joining the faculty at The University of Montana School of Law, Professor Kronk practiced environmental, Indian, and energy law as an associate in the Washington, DC, offices of Latham & Watkins LLP and Troutman Sanders LLP. While in Washington, DC, she also served as President of the Native American Bar Association of the District of Columbia. Professor Kronk currently serves as Chair of the Federal Bar Association (FBA) Indian Law Section. In 2010, Professor Kronk received the FBA Indian Law Section's Outstanding Service Award. Professor Kronk also serves on the executive board of Michigan Indian Legal Services and Missoula YWCA.

Stacy M. Ludwig

Stacy Ludwig is the Deputy Director of the Department of Justice's Professional Responsibility Advisory Office which provides advice and training to Department of Justice attorneys about how they may perform their duties in compliance with the applicable professional conduct rules. Ms. Ludwig also is an adjunct professor at Georgetown University Law School where she teaches professional responsibility courses. Previously, she was an adjunct professor at George Washington University Law School and American University's Washington College of Law where she taught professional responsibility courses. She is a member of the District of Columbia Bar's Legal Ethics Committee, which is responsible for writing opinions about the application of the District of Columbia Rules of Professional Conduct. She has taught the District of Columbia Bar's mandatory course on ethics for government lawyers and lectured on professional responsibility issues at Catholic University's Columbus School of Law. Ms. Ludwig was an Assistant United States Attorney in the District of Columbia for that office's Civil Division. During her tenure at the U.S. Attorney's Office, she handled a wide variety of complex cases involving all aspects of civil litigation and was appointed Senior Litigation Counsel.

Altom M. Maglio



Altom M. Maglio is the managing partner of Maglio Christopher & Toale, PA, a law firm that represents petitioners in vaccine injury cases before the United States Court of Federal Claims. He started his legal career representing physicians in medical malpractice lawsuits. As a medical malpractice defense attorney, he was introduced to the vaccine arena while defending a physician in a case involving a catastrophic vaccine injury. In that case, petitioners had opted out of the vaccine program. Alerted to the issues facing the vaccine injured, Mr. Maglio gradually transitioned his practice to representing vaccine injured petitioners in the Court of Federal Claims and patients in medical

product liability actions. At present, he is leading product liability litigation across the nation involving a defective hip replacement system.

Craig Manson



Craig Manson is General Counsel of the Westlands Water District in California's Central Valley. The nation's largest agricultural water agency, Westlands provides water to 600,000 acres of farmland in Fresno and Kings Counties on the west side of the San Joaquin Valley. From 2006 to 2010, he was Distinguished Professor and Lecturer in Law at the Capital Center for Public Law and Policy, University of the Pacific, McGeorge School of Law in Sacramento. He previously served as Assistant Secretary for Fish, Wildlife, and Parks in the U.S. Department of the Interior (2002-2005). He has also served as a Superior Court judge in Sacramento (1998-2002), and General Counsel, California Dep't of Fish and Game (1993-

1998). Mr. Manson served thirty years in the Air Force, Air Force Reserve, and Air National

Guard, including four years as Associate Professor of Law at the United States Air Force Academy, and six years as the chief lawyer of the California Air National Guard.

Richard L. Marcus



Professor Richard L. Marcus is the Horace O. Coil Chair in Litigation at the University of California Hastings College of the Law. He attended Pomona College and earned his J.D. from UC Berkeley (Boalt Hall) in 1972. Both before and after graduation from law school, Professor Marcus served as law clerk to Justice Raymond Peters of the California Supreme Court. During 1973-74 he served as an associate-in-law at Boalt Hall and, in 1974-75, as a law clerk to U.S. District Court Judge Alfonso J. Zirpoli in San Francisco. In 1976 he joined the law firm of Dinkelspiel, Pelavin, Steefel & Levitt as an associate in San Francisco, where he became a partner in 1980. (The firm has since disbanded.) In 1981, Professor Marcus left practice and entered teaching as an associate professor at the University of Illinois College of Law, becoming a full professor in 1984. He was a visiting professor at the University of Michigan Law School in 1986-87. He joined the Hastings faculty in 1989, became a Distinguished Professor in 1997, and was awarded the Horace O. Coil ('57) Chair in Litigation in 1999. His teaching has focused on litigation-related areas such as civil procedure, complex litigation, conflicts of law, and evidence, and he has also taught contracts, corporations and remedies. Professor Marcus' writing has focused on litigation-related topics. He is a co-author of the West casebooks "Complex Litigation" (5th ed. 2010) and "Civil Procedure: A Modern Approach" (5th ed. 2009). He is also a co-author of several volumes of the Federal Practice & Procedure treatise and serves on a variety of committees dealing with practice issues. Since 1996, he has served as Associate Reporter to the Advisory Committee on Civil Rules of the Judicial Conference of the U.S.

Vincent Matanoski

Vince Matanoski entered the Department of Justice in 1991 and is currently an Assistant Director in its Torts Branch. He graduated from Johns Hopkins University with a Bachelor of Arts degree in English and received a Juris Doctor degree from the University of Maryland. Mr. Matanoski has served as a judge advocate in the United States Navy in an active and reserve capacity for 26 years.

Patricia A. Meagher



Patricia Meagher is a Shareholder in the firm Rogers Joseph O'Donnell in San Francisco, CA. She is a member of the firm's Government Contracts and Construction Law Practice Groups. She has more than twenty-five years of experience in litigation and public contracting at the federal, state, and local levels. Ms. Meagher's practice includes counseling both prime contractors and subcontractors in a wide variety of procurement matters, including commercial item acquisitions, technical data rights, submission of claims, bid protests, terminations, teaming agreements, and joint ventures. She also represents firms

involved with performing state and local public works projects and has particular expertise in protests, claims, and payment disputes. Ms. Meagher litigates government contract and construction cases in state court, federal district court, and before the Boards of Contract Appeals and the U.S. Court of Federal Claims. Ms. Meagher is a past chair of the ABA Section of Public Contract Law (2007-2008), a Fellow of the American Bar Foundation, and a Fellow of the Section of Public Contract Law. She is a National Partner and former member of the Board of Directors of Women Impacting Public Policy (WIPP), a public policy organization that advocates for women-owned small businesses. Ms. Meagher is a former Adjunct Professor of Evidence Advocacy at UC Hastings College of the Law. After graduating from law school, Ms. Meagher served as a law clerk to the Honorable Philip Nichols, Jr. of the U.S. Court of Appeals for the Federal Circuit in Washington, DC.

Robert Meltz

Robert Meltz is an attorney-adviser with the Congressional Research Service, providing nonpartisan legal analysis to Congress. He has long specialized in the takings issue, a topic on which he has issued numerous CRS reports, testified before Congress, and delivered CLE courses to Members and staff. Outside CRS, Mr. Meltz has lectured and written widely on the takings issue, including coauthoring a book entitled “The Takings Issue: Constitutional Limits on Land Use Control and Environmental Regulation” (1999). Most recently, he coauthored “Temporary Takings: Settled Principles and Unresolved Questions,” 11 Vt. J. Envtl. L. 479 (2010). Mr. Meltz is also an adjunct law professor at Georgetown University Law Center, where he teaches a takings law seminar. He earned his B.A. and M.A. from the University of Pennsylvania and his J.D. from Georgetown University Law Center.

Special Master Christian Moran

Christian Moran was appointed as Special Master on December 8, 2005. He entered duty on January 17, 2006. Before his appointment, Mr. Moran worked for five years as a Trial Attorney in the Department of Justice, Civil Division, Commercial Litigation Branch. Mr. Moran represented the United States at the United States Court of Appeals for the Federal Circuit and the United States Court of Federal Claims in cases involving government contracts, military and civilian personnel, and veterans’ benefits. Previously, Mr. Moran served as a law clerk to Judge Edward J. Damich at the United States Court of Federal Claims. Mr. Moran also was an associate with the firm Spinella & Jaffe, P.C., in Hartford, Connecticut. Mr. Moran graduated from the University of Connecticut School of Law with honors. He received his undergraduate degree from the College of the Holy Cross in Worcester, Massachusetts, with honors.

Sean O'Connor



Sean O'Connor is Professor of Law and Director of both the Law, Technology & Arts Group and the Entrepreneurial Law Clinic at the University of Washington School of Law in Seattle. He specializes in entrepreneurship and the commercialization of innovation in biotechnology, information technology, and new media/digital arts. He is Of Counsel to Graham & Dunn and the former General Counsel to Rhizome.org. Before entering academia, he practiced law at multi-national firms in New York and Boston. Professor O'Connor received his law degree from Stanford Law School, a master's degree in philosophy from Arizona State University, and a bachelor's degree in history from University of Massachusetts. He is

the author of numerous articles and book chapters and is the co-author of "Genetic Technologies and the Law." He lectures around the world and his publications have been translated into a number of languages.

Drummond Rennie



Drummond Rennie, MD, MACP, FRCP, is an adjunct Professor of Medicine at the University of California San Francisco. He was educated at Cambridge University and Guy's Hospital Medical School, London, where he carried out research into cyanotic congenital heart disease. Formerly the Deputy Editor for the New England Journal of Medicine, he is currently the Deputy Editor (West) for the Journal of the American Medical Association. Dr. Rennie is a nephrologist who has conducted numerous investigations in the Alps, the Andes, the Himalayas, the Yukon and Alaska on the pathophysiology of hypoxia, publishing over 60 papers in

this area. He originated and directed all six International Congresses on Peer Review in Biomedical Publication, all dedicated to the presentation of research into the process of peer review of manuscripts and grants. He chaired a multi-journal group researching interventions in peer review and has formed other groups to research the influence of money on the conduct and reporting of clinical research. He was co-director of the San Francisco Cochrane Center, served on the Proposal Review Advisory Team of the National Science Foundation, and was a member of the Commission on research Integrity to the Public Health Service. Dr. Rennie was the president of the Council of Science Editors and the World Association of Medical Editors. He is a founder member of the CONSORT, QUOROM, MOOSE, STARD, and STROBE initiatives to improve the reporting of clinical trials, meta-analyses and diagnostic tests.

Mark W. Rogers

Mark Rogers earned a Bachelor of Arts degree in political science from Virginia Polytechnic Institute in Blacksburg, Virginia in 1976. He received his Juris Doctorate from the University of Mississippi and an LL.M. (Labor Law) from the National Law Center, George Washington University. He served on active duty in the Marine Corps as a judge advocate for 13 years. Upon release from active duty in 1991, he accepted a Reserve commission in

the Marine Corps and entered the Civil Division of the U.S. Department of Justice where he is currently a deputy director of the Torts Branch.

Joseph L. Sax



Joseph L. Sax is the James H. House & Hiram Hurd Professor, emeritus, at the University of California (Berkeley), where he taught environmental law, water law, public land law, and property rights. He previously taught at University of Michigan, and the University of Colorado, and practiced law in Washington, DC. In 1994-1996 he served as Counselor to the U.S. Secretary of the Interior, where his responsibilities included federal water resource policy, endangered species law enforcement, and property rights legislation. Sax is the author of "Defending the Environment" (1970), "Mountains Without Handrails" (1980), and "Playing Darts with Rembrandt" (2000); and co-author of "Legal Control of Water Resources," now in its 4th edition (2006), and has written many articles in scholarly journals. Professor Sax is a graduate of Harvard College and the University of Chicago Law School. He holds honorary doctor of laws degrees from Columbia University and from the Illinois Institute of Technology. He is a Fellow of the American Academy of Arts and Sciences.

Mary Shallman

Mary Shallman is Senior Counsel for The Boeing Company in Seal Beach, California, providing intellectual property advice to the Boeing Defense, Space & Security business. She is currently responsible for the intellectual property issues that arise in Boeing's Government and commercial satellite business and in the Network & Tactical Systems division. Her responsibilities include counseling programs regarding strategies to protect company intellectual property in government and commercial markets, participating in teams preparing proposals for major U.S. government programs, negotiating and drafting intellectual property licenses, advising on programmatic, contracts and intellectual property issues arising in merger and acquisition transactions, and providing training to senior leadership, contracts and supplier management groups. Prior to joining Boeing, Mary was in private practice for over twenty years at Morrison & Foerster in New York City, Gray Cary (now DLA Piper) in San Francisco, CA, and Pettit & Martin in San Francisco, where she practiced in the government contracts and technology transactions/intellectual property groups of those firms. During her years at these firms, she acquired extensive experience in both a broad-ranging government contracts practice—including preparing and litigating claims, bid protests, termination settlements and technology transfer transactions—and in a practice encompassing all aspects of intellectual property transactions and licensing, including drafting and negotiating software licenses, distribution and reseller/OEM agreements, services agreements, content licenses, outsourcing agreements, patent and technology licenses and trademark license agreements, advising clients regarding internet transactions including website development, advertising, terms of service agreements, etc., and providing intellectual property advice and counsel with respect to merger and acquisition transactions. Mary graduated from Stanford University with distinction and departmental honors (International Relations) in 1980, and received her J.D. and M.A. (Public Affairs) from the University of Minnesota in 1984.

Gregory Sisk



Gregory Sisk is the Orestes A. Brownson Professor of Law at the University of St. Thomas School of Law in Minneapolis, Minnesota. He received his B.A. from Montana State University and his J.D. from the University of Washington School of Law. Prior to joining the legal academy, he served as a legal advisor in all three branches of the federal government: as a legislative assistant to a U.S. Senator, as a law clerk to a U.S. Court of Appeals judge, and as an appellate attorney with the U.S. Department of Justice representing the United States in the courts of appeals and the Supreme Court. Subsequent to his government service, he was in private practice as the head of the appellate department of a Seattle law firm. Professor

Sisk is the author of the leading treatise on the subject of "[Litigation With the Federal Government](#)" published as the fourth edition by ALI-ABA in 2006. He has published nearly three dozen articles on litigation with the federal government, judicial decision-making, awards of attorney's fees, professional responsibility, constitutional interpretation, law and religion, and tort reform. He recently participated as amicus curiae before the Supreme Court in support of neither party in *United States v. Tohono O'odham Nation*, No. 09-846 (argued Nov. 1, 2010), arguing that the U.S. Court of Federal Claims has exclusive authority in cases where the substance of the dispute is a claim for money and suggesting that the better answer to the problem of duplicative lawsuits in multiple courts is to transfer the district court case to the Court of Federal Claims to be resolved in a single case.

Special Master Denise K. Vowell

Denise Vowell is an honors graduate of Illinois State University, where she majored in political science and philosophy, and the University of Texas School of Law where she earned her J.D. in 1981. She served on active duty in the U.S. Army for over 31 years, retiring as the Army's Chief Trial Judge in 2006. Immediately after her retirement, she was appointed a Special Master with the U.S. Court of Federal Claims.

Judge Thomas C. Wheeler

Judge Wheeler was appointed to the United States Court of Federal Claims on October 24, 2005. He received his J.D. from Georgetown University Law School in 1973, and his undergraduate degree from Gettysburg College, Gettysburg, Pennsylvania, in 1970. From 1973 to 2005, Judge Wheeler was in private practice in Washington, DC, as an associate and partner in the law firm of Pettit & Martin until 1995, and then he moved as a partner to the law firm of Piper & Marbury (later as DLA Piper Rudnick Gray Cary). During his years in private practice, Judge Wheeler specialized in government contract claims, litigation, and counseling, representing a wide variety of large and small business clients. He appeared before many agency boards of contract appeals, the United States Court of Federal Claims and its predecessors, the United States Court of Appeals for the Federal Circuit, a number of United States District Courts, and the Government Accountability Office (formerly the General Accounting Office).

Neil S. Whiteman



Neil Whiteman is Legal Counsel for Lockheed Martin Space Systems Company in Sunnyvale, California. He is responsible for legal matters within the Global Communications Systems line of business. He provides legal advice and guidance on all aspects of research, development, and production of communications satellites, including the Advanced Extremely High Frequency and Mobile User Objective System programs. Neil joined Lockheed Martin Space Systems Company in June 2009. Prior to joining Lockheed Martin, Neil served on active duty with the Air Force for 25 years, retiring in 2009 as a colonel and judge advocate. He culminated his career as the Director of Commercial Law and

Litigation, where he led a trial team of 34 attorneys and six paralegals representing the Air Force in all aspects of complex commercial litigation including bid protests filed at the Government Accountability Office (GAO) and the Court of Federal Claims, appeals filed at the Armed Services Board of Contract Appeals (ASBCA), and bankruptcy cases, surety cases, and privatization litigation conducted at federal courts around the country. He managed the litigation and directed trial strategy in over 200 GAO bid protests, 150 ASBCA cases, and 30 federal court cases. His initiatives slashed the bid protest sustain rate against the Air Force by 70% and reduced the payout rate on contract claims to under 5% of the amounts claimed. Prior to becoming a judge advocate, Neil served six years as an Air Force civil engineering officer. Neil received his B.S. in Civil Engineering from the U.S. Air Force Academy in 1984, an M.S. in Engineering Management from the Air Force Institute of Technology in 1988, his J.D. from the West Virginia University College of Law in 1993 (Order of the Coif), an L.L.M. in Government Contract Law from the George Washington University Law School in 2000 (with highest honors), and an M.S. in National Security Strategy from the National War College in 2005.

Judge Mary Ellen Coster Williams

Judge Mary Ellen Coster Williams was appointed to the United States Court of Federal Claims on July 21, 2003. She is a summa cum laude graduate of Catholic University, receiving a joint degree in 1974, a BA in Latin and Greek and an MA in Latin. Judge Williams received her JD in 1977 from the Duke University School of Law. From March 6, 1989-July 18, 2003, Judge Williams was an administrative judge on the General Services Administration Board of Contract Appeals. While on the Board, she resolved federal government contract cases as a trial tribunal. She was a partner in the law firm of Janis, Schuelke and Weschler from 1987 to 1989 where she specialized in civil litigation. Prior to that, Judge Williams served as an Assistant United States Attorney in the Civil Division in Washington, DC from 1983 until 1987. She was an associate with Schnader, Harrison, Segal and Lewis from 1979 to 1983, and with Fulbright and Jaworski from 1977 to 1979. Judge Williams has been active in bar associations and professional organizations for many years. From 2002-2003, she was the Chair of the American Bar Association's (ABA) Section of Public Contract Law, having served as the Section's Chair-Elect, Vice Chair, and Secretary. She is currently the Section's delegate to the ABA House of Delegates. Judge Williams served as the section representative on the ABA Committee on Ethics and Professionalism and the ABA Commission on Evaluation of Rules of Professional Conduct from 1998 to 2000 and chaired the Ad Hoc Committee on Model Rules of Professional Responsibility of

the Bar Association of DC in the early 1980's. Judge Williams has been an adjunct professor at the Columbus School of Law, Catholic University, since 2004, where she teaches Remedies. She has also taught Administrative Law and has lectured extensively on government contracts and civil trial practice.

Sarah L. Wilson



Sarah L. Wilson is a Partner at Covington & Burling LLP in Washington, DC. She is a former federal judge whose practice focuses on complex civil litigation and internal investigations. Many of her matters involve breach of contract and fraud issues, and litigation with the federal government. Prior to joining the firm, she served as a trial attorney in the Department of Justice, as an Associate and Senior Counsel in the White House Counsel's Office, and as a judge on the U.S. Court of Federal Claims, where she adjudicated major statutory and contractual disputes between corporations and federal agencies.

Gail D. Zirkelbach



Gail D. Zirkelbach is a partner in the Government Contracts practice at McKenna Long & Aldridge in Denver, CO. She has been a leading government contracts attorney for more than 20 years. Her practice focuses on government contracts and white-collar criminal defense for numerous aerospace and technology companies in all government contracts and compliance arenas. Ms. Zirkelbach's work concentrates on the defense of qui tam actions under the False Claims Act, conducting internal investigations, and assisting clients with the development and implementation of compliance programs. She litigates at both the federal and state levels and at the Armed Services Board of Contract Appeals (ASBCA), U.S. Court of Federal Claims, and U.S. Court of Appeals for the Federal Circuit. Her work also concentrates on defective pricing cases, bid protests, counseling clients on intellectual property issues, cost accounting and compliance issues and preparing claims based on contract changes or breaches of contract. In addition to her private practice experience, Ms. Zirkelbach served as the Senior Contracts Manager overseeing risk mitigation and compliance issues for a major aerospace company as well as negotiating teaming agreements and Space Act Agreements.